

SENATE, No. 3670

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 13, 2019

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Requires land use plan element of municipal master plan to include climate change-related hazard vulnerability assessment.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning municipal master plans, amending P.L.1975,
2 c.291, and supplementing Title 13 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
8 read as follows:

9 19. Preparation; contents; modification.

10 a. The planning board may prepare and, after public hearing,
11 adopt or amend a master plan or component parts thereof, to guide
12 the use of lands within the municipality in a manner which protects
13 public health and safety and promotes the general welfare.

14 b. The master plan shall generally comprise a report or
15 statement and land use and development proposals, with maps,
16 diagrams and text, presenting, at least the following elements (1)
17 and (2) and, where appropriate, the following elements (3) through
18 (16):

19 (1) A statement of objectives, principles, assumptions, policies
20 and standards upon which the constituent proposals for the physical,
21 economic , and social development of the municipality are based;

22 (2) A land use plan element

23 (a) taking into account and stating its relationship to the
24 statement provided for in paragraph (1) hereof, and other master
25 plan elements provided for in paragraphs (3) through **[(14)]** (16)
26 hereof and natural conditions, including, but not necessarily limited
27 to, topography, soil conditions, water supply, drainage, flood plain
28 areas, marshes, and woodlands;

29 (b) showing the existing and proposed location, extent and
30 intensity of development of land to be used in the future for varying
31 types of residential, commercial, industrial, agricultural,
32 recreational, open space, educational and other public and private
33 purposes or combination of purposes including any provisions for
34 cluster development; and stating the relationship thereof to the
35 existing and any proposed zone plan and zoning ordinance;

36 (c) showing the existing and proposed location of any airports
37 and the boundaries of any airport safety zones delineated pursuant
38 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
39 80 et al.);

40 (d) including a statement of the standards of population density
41 and development intensity recommended for the municipality;

42 (e) showing the existing and proposed location of military
43 facilities and incorporating strategies to minimize undue
44 encroachment upon, and conflicts with, military facilities, including
45 but not limited to: limiting heights of buildings and structures

EXPLANATION – Matter enclosed in bold-faced brackets **[(14)]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 nearby flight paths or sight lines of aircraft; buffering residential
2 areas from noise associated with a military facility; and allowing for
3 the potential expansion of military facilities; **and**

4 (f) including, for any land use plan element adopted after the
5 effective date of P.L.2017, c.275, a statement of strategy
6 concerning:

7 (i) smart growth which, in part, shall consider potential
8 locations for the installation of electric vehicle charging stations,

9 (ii) storm resiliency with respect to energy supply, flood-prone
10 areas, and environmental infrastructure, and

11 (iii) environmental sustainability; and

12 (g) including, for any land use plan element adopted after the
13 effective date of P.L. , c. (pending before the Legislature as this
14 bill), a climate change-related hazard vulnerability assessment
15 which shall (i) consider environmental effects and extreme weather-
16 related events associated with climate change, including, but not
17 limited to, temperature, drought, and sea-level rise, and (ii) contain
18 measures to mitigate reasonably anticipated natural hazards,
19 including, but not limited to, coastal storms, shoreline erosion,
20 flooding, storm surge, and wind, following best management
21 practices recommended by the Federal Emergency Management
22 Agency;

23 (3) A housing plan element pursuant to section 10 of P.L.1985,
24 c.222 (C.52:27D-310), including, but not limited to, residential
25 standards and proposals for the construction and improvement of
26 housing;

27 (4) A circulation plan element showing the location and types of
28 facilities for all modes of transportation required for the efficient
29 movement of people and goods into, about, and through the
30 municipality, taking into account the functional highway
31 classification system of the Federal Highway Administration and
32 the types, locations, conditions and availability of existing and
33 proposed transportation facilities, including air, water, road and rail;

34 (5) A utility service plan element analyzing the need for and
35 showing the future general location of water supply and distribution
36 facilities, drainage and flood control facilities, sewerage and waste
37 treatment, solid waste disposal and provision for other related
38 utilities, and including any storm water management plan required
39 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
40 a municipality prepares a utility service plan element as a condition
41 for adopting a development transfer ordinance pursuant to
42 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
43 element shall address the provision of utilities in the receiving zone
44 as provided thereunder;

45 (6) A community facilities plan element showing the existing
46 and proposed location and type of educational or cultural facilities,
47 historic sites, libraries, hospitals, firehouses, police stations and
48 other related facilities, including their relation to the surrounding
49 areas;

- 1 (7) A recreation plan element showing a comprehensive system
2 of areas and public sites for recreation;
- 3 (8) A conservation plan element providing for the preservation,
4 conservation, and utilization of natural resources, including, to the
5 extent appropriate, energy, open space, water supply, forests, soil,
6 marshes, wetlands, harbors, rivers and other waters, fisheries,
7 endangered or threatened species wildlife and other resources, and
8 which systemically analyzes the impact of each other component
9 and element of the master plan on the present and future
10 preservation, conservation and utilization of those resources;
- 11 (9) An economic plan element considering all aspects of
12 economic development and sustained economic vitality, including
13 (a) a comparison of the types of employment expected to be
14 provided by the economic development to be promoted with the
15 characteristics of the labor pool resident in the municipality and
16 nearby areas and (b) an analysis of the stability and diversity of the
17 economic development to be promoted;
- 18 (10) An historic preservation plan element: (a) indicating the
19 location and significance of historic sites and historic districts; (b)
20 identifying the standards used to assess worthiness for historic site
21 or district identification; and (c) analyzing the impact of each
22 component and element of the master plan on the preservation of
23 historic sites and districts;
- 24 (11) Appendices or separate reports containing the technical
25 foundation for the master plan and its constituent elements;
- 26 (12) A recycling plan element which incorporates the State
27 Recycling Plan goals, including provisions for the collection,
28 disposition and recycling of recyclable materials designated in the
29 municipal recycling ordinance, and for the collection, disposition
30 and recycling of recyclable materials within any development
31 proposal for the construction of 50 or more units of single-family
32 residential housing or 25 or more units of multi-family residential
33 housing and any commercial or industrial development proposal for
34 the utilization of 1,000 square feet or more of land;
- 35 (13) A farmland preservation plan element, which shall include:
36 an inventory of farm properties and a map illustrating significant
37 areas of agricultural land; a statement showing that municipal
38 ordinances support and promote agriculture as a business; and a
39 plan for preserving as much farmland as possible in the short term
40 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
41 1 et al.) through a variety of mechanisms including, but not limited
42 to, utilizing option agreements, installment purchases, and
43 encouraging donations of permanent development easements;
- 44 (14) A development transfer plan element which sets forth the
45 public purposes, the locations of sending and receiving zones and
46 the technical details of a development transfer program based on the
47 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);
- 48 (15) An educational facilities plan element which incorporates
49 the purposes and goals of the "long-range facilities plan" required to

1 be submitted to the Commissioner of Education by a school district
2 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); and

3 (16) A green buildings and environmental sustainability plan
4 element, which shall provide for, encourage, and promote the
5 efficient use of natural resources and the installation and usage of
6 renewable energy systems; consider the impact of buildings on the
7 local, regional and global environment; allow ecosystems to
8 function naturally; conserve and reuse water; treat storm water on-
9 site; and optimize climatic conditions through site orientation and
10 design.

11 c. The master plan and its plan elements may be divided into
12 subplans and subplan elements projected according to periods of
13 time or staging sequences.

14 d. The master plan shall include a specific policy statement
15 indicating the relationship of the proposed development of the
16 municipality, as developed in the master plan to (1) the master plans
17 of contiguous municipalities, (2) the master plan of the county in
18 which the municipality is located, (3) the State Development and
19 Redevelopment Plan adopted pursuant to the "State Planning Act,"
20 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
21 and (4) the district solid waste management plan required pursuant
22 to the provisions of the "Solid Waste Management Act," P.L.1970,
23 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
24 located.

25 In the case of a municipality situated within the Highlands
26 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
27 master plan shall include a specific policy statement indicating the
28 relationship of the proposed development of the municipality, as
29 developed in the master plan, to the Highlands regional master plan
30 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
31 (cf: P.L.2017, c.275, s.1)

32
33 2. (New section) Upon request by a planning board, the
34 Department of Environmental Protection shall provide technical
35 assistance to a municipality preparing a climate change related
36 hazard vulnerability assessment pursuant to subparagraph (g) of
37 paragraph (2) of subsection b. of section 19 of P.L.1975, c.291
38 (C.40:55D-28).

39
40 3. This act shall take effect immediately.

41 42 43 STATEMENT

44
45 This bill would require that the land use plan element of a
46 municipal master plan include a climate change-related hazard
47 vulnerability assessment. This assessment would consider
48 environmental effects associated with climate change and extreme
49 weather-related events including, but not limited to, temperature,

1 drought, and sea-level rise, and contain measures to mitigate
2 reasonably anticipated natural hazards, including, but not limited to,
3 coastal storms, shoreline erosion, flooding, storm surge, and wind,
4 following best management practices recommended by the Federal
5 Emergency Management Agency.

6 Under current law, the land use plan element of a municipal
7 master plan is required to include a statement of strategy
8 concerning: (1) smart growth, including consideration of potential
9 locations for the installation of electric vehicle charging stations;
10 (2) storm resiliency with respect to energy supply, flood-prone
11 areas, and environmental infrastructure; and (3) environmental
12 sustainability. This bill would expand on these requirements, and
13 apply to any land use plan element adopted after the date the bill is
14 enacted into law.

15 The bill would also require the Department of Environmental
16 Protection, upon request by a planning board, to provide technical
17 assistance to a municipality preparing a climate change-related
18 hazard vulnerability assessment required by the bill.